

ASSEMBLY BILL

No. 135

Introduced by Assembly Member Buchanan

January 16, 2013

An act to amend Section 44664 of the Education Code, relating to public school teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as introduced, Buchanan. Certificated employees: evaluation.

Existing law states the intent of the Legislature that governing boards of school districts establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires that an evaluation and assessment of the performance of a certificated employee be made on a continuing basis, as provided, including at least every 5 years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, as specified, and whose previous evaluation rated the employee as meeting or exceeding standards.

This bill would instead require the evaluation and assessment of the above personnel at least every 3 years.

By requiring school districts to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44664 of the Education Code is amended
2 to read:
3 44664. (a) Evaluation and assessment of the performance of
4 each certificated employee shall be made on a continuing basis as
5 follows:
6 (1) At least once each school year for probationary personnel.
7 (2) At least every other year for personnel with permanent status.
8 (3) At least every ~~five~~ *three* years for personnel with permanent
9 status who have been employed at least 10 years with the school
10 district, are highly qualified, if those personnel occupy positions
11 that are required to be filled by a highly qualified professional by
12 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec.
13 6301; et seq.), as defined in 20 U.S.C. Sec. 7801, and whose
14 previous evaluation rated the employee as meeting or exceeding
15 standards, if the evaluator and certificated employee being
16 evaluated agree. The certificated employee or the evaluator may
17 withdraw consent at any time.
18 (b) The evaluation shall include recommendations, if necessary,
19 as to areas of improvement in the performance of the employee.
20 If an employee is not performing his or her duties in a satisfactory
21 manner according to the standards prescribed by the governing
22 board, the employing authority shall notify the employee in writing
23 of that fact and describe the unsatisfactory performance. The
24 employing authority shall thereafter confer with the employee
25 making specific recommendations as to areas of improvement in
26 the employee's performance and endeavor to assist the employee
27 in his or her performance. ~~If any~~ *a* permanent certificated employee
28 has received an unsatisfactory evaluation, the employing authority
29 shall annually evaluate the employee until the employee achieves
30 a positive evaluation or is separated from the district.
31 (c) Any evaluation performed pursuant to this article ~~which~~ *that*
32 contains an unsatisfactory rating of an employee's performance
33 in the area of teaching methods or instruction may include the

1 requirement that the certificated employee shall, as determined
2 necessary by the employing authority, participate in a program
3 designed to improve appropriate areas of the employee's
4 performance and to further pupil achievement and the instructional
5 objectives of the employing authority. If a district participates in
6 the Peer Assistance and Review Program for Teachers established
7 pursuant to Article 4.5 (commencing with Section 44500), ~~any~~ a
8 certificated employee who receives an unsatisfactory rating on an
9 evaluation performed pursuant to this section shall participate in
10 the Peer Assistance and Review Program for Teachers.

11 (d) Hourly and temporary hourly certificated employees, other
12 than those employed in adult education classes who are excluded
13 by the provisions of Section 44660, and substitute teachers may
14 be excluded from the provisions of this section at the discretion
15 of the governing board.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.